

The climate for freedom of the press in Argentina remained tense in 2014, due in large part to the frayed relationship between the government of President Cristina Fernández de Kirchner and critical media outlets. Journalists reported that some administration officials were more open to speaking with the critical press and appearing on traditionally critical television programs, but the president herself largely avoided public appearances, and government advertising continued to be skewed toward progovernment outlets. The year also featured harassment of journalists by state and nonstate actors, especially in connection with reporting on official corruption or drug trafficking. The breakup of Clarín Group, a traditionally critical media conglomerate, was set to be implemented in 2015, in keeping with a 2009 media law and a 2013 ruling by the Supreme Court.

Legal Environment

Argentina's constitution provides for freedom of the media and of expression, and restricts Congress from passing legislation that would affect those freedoms. Defamation-related offenses were decriminalized for journalists in 2009 and are no longer punishable by imprisonment. However, fines can still be issued in civil cases.

In 2014, authorities charged Juan Pablo Suárez, editor of the online daily *Última Hora*, under a controversial antiterrorism law. Congress had passed an amendment to the law in 2011 that increased penalties for terrorist acts, and an interpretation by the head of Argentina's Financial Investigations Unit stated that news outlets could be held accountable under the expanded clauses if they published material that "terrorizes" the public. However, the government had in the past stated that the law was not intended for use against the media. Suárez was initially arrested in December 2013 in the northern city of Santiago del Estero on charges of sedition after he refused to hand over footage of a police officer being arrested; he was released nine days later after a media campaign on his behalf. However, in May 2014 he was charged with "inciting collective violence" and "terrorizing the population," and faced up to 12 years in prison if convicted. The charge was sharply criticized by press freedom organizations.

In October 2014, police raided the offices of La Brújula 24, a radio station and news website in the city of Bahía Blanca, after it published recordings of conversations between Juan Ignacio Suris, a local businessman imprisoned on charges of money laundering and ties to drug trafficking, and local police, politicians, and members of the judiciary. Following the raid, the outlet's director, Germán Sasso, was charged with a civil offense for failing to disclose his sources, even though the constitution protects the confidentiality of journalists' sources. In November a court ruled that Sasso was guilty of concealment and ordered him to pay a fine of 200,000 pesos (\$24,000).

In December, Argentina enacted a new telecommunications law, known as Argentina Digital, that replaced legislation from 1972. Critics of the new law noted that it allows phone companies to offer audiovisual media services, such as cable television, which had been prohibited by the 2009 Law on Audiovisual Communication Services, also known as the Ley de Medios (Media Law). The telecommunications law also establishes a minimum internet speed and requires owners of telecommunications infrastructure to grant access to other providers at a price regulated by the state; the aim was to improve competition and service quality, though opponents said it effectively favored larger firms by placing the same obligations on large and small companies.

Argentina remains one of the few countries in the Americas without a federal law on access to information,

despite numerous attempts to pass one in Congress. However, some provinces and municipalities have such legislation in place, and the Supreme Court has upheld information requests on constitutional grounds in recent years, including in 2014. The lack of federal legislation is particularly problematic given the government's record of manipulating key economic and other statistics—a pattern that drew the condemnation of the International Monetary Fund in December 2013. In the absence of reliable official statistics, journalists often use estimates from private economists and consultants. In the past, the secretary of commerce has issued fines to journalists who published independent data for “defrauding commerce and industry.”

Political Environment

The level of hostility between the government and major private news outlets has created a highly polarized media climate. Fernández holds few official press conferences; instead, she has made use of *cadenas*—nationwide presidential addresses that preempt programming on all radio and television stations. In some cases she has used them to attack journalists. By law, *cadenas* are only valid as a means of communicating with the public in times of crisis. The president is also an active user of social media, especially her Twitter account, through which she often denounces critical media and the legitimacy of their reporting. The government continues to promote the slogan “Clarín miente” (“Clarín lies”) in its official advertising. In October 2014, La Cámpora, a progovernment group led by the president's son, created and distributed mock editions of *Clarín* to criticize the paper and opposition politicians.

Nevertheless, Argentine journalists conceded that the situation improved slightly in 2014. A report to the October 2014 General Assembly of the Inter-American Press Association (IAPA) found that members of the ruling party were granting interviews to critical print and broadcast outlets that they had previously avoided. Furthermore, the chief of cabinet hosted periodic press conferences, though he often used them to attack perceived opponents in the press.

The media, including the internet, are generally free from official censorship. Argentines are able to express themselves online and access most desired content. There have been some cases of the government taking down or blocking access to websites that facilitate illegal commercial activity or publish copyrighted or defamatory material, but the practice is not pervasive. In November 2014, the ruling party introduced a bill that would require websites to block “the dissemination of messages with discriminatory content ... produced by users,” raising concerns that it could hinder free expression and discussion on the internet if enacted.

A 2014 self-censorship survey conducted by the Argentine Journalism Forum (FOPEA) found that 53 percent of journalists reported the existence of self-censorship at the outlets where they worked. The most affected topics were those related to the national government, human trafficking, and drug trafficking. Many journalists reported editorial pressure from the business departments of their outlets or directly from advertisers.

Extreme violence against members of the press is very rare in Argentina, and no journalists were murdered in 2014. However, FOPEA registered 178 attacks against the media—including threats, assaults, attacks on media facilities, confiscation of equipment, and obstruction of coverage—for the year, 9 percent fewer than in 2013. Journalists sometimes face violence from police or other government officials in the course of their reporting. On December 30, 2013, Brian Palacios, a freelance photographer for *Clarín*, was taken into custody and beaten by gendarmes while covering protests against power cuts in Buenos Aires. He filed a complaint on January 3, but the gendarmes denied involvement, and the case did not move forward. In

July 2014 a journalist from Tucumán, Carolina Ponce de León, was beaten by bodyguards of Vice President Amado Boudou after interviewing him, which resulted in two broken ribs. Also in July, journalist Martín Sereno was beaten by the mayor of a town in the northern province of Misiones while interviewing flood victims.

Journalists also face attacks in reprisal for their work—especially coverage of corruption or drug trafficking. In February, a Molotov cocktail was thrown at the home of the director of the newspaper *Síntesis* in the province of Santa Fe, though no one was injured. In August, three journalists from Radio Sol in the city of Santa Fe were threatened on air by callers claiming to be policemen, and were later beaten by masked men as they left the station. In September, well-known television host Gustavo Sylvestre of the program *Minuto Uno* had his car torched by an unknown arsonist; the program often deals with issues such as drug trafficking. In November two reporters from *La Nación* received death threats. The first, Leonel Rodríguez, based in Santiago del Estero Province, reported that a miniature coffin was left in front of his parents' home after he reported on a sex-abuse scandal involving a local official. The second, Germán de los Santos, based in Rosario, received a threatening phone call after reporting on drug trafficking in the province.

Economic Environment

Argentina has a large private media sector, with more than 150 daily newspapers, hundreds of commercial radio stations, and dozens of television stations. However, private ownership remained concentrated as of 2014, with Clarín Group commanding a significant share of the print, broadcast, and internet service markets. Meanwhile, many radio stations operate on temporary licenses pending regulatory reform. Public media are less influential; the country's largest public television, TV Pública, has a much lower audience share than its private competitors. Public radio has also declined in importance since the privatization of the industry in 1980. The internet is widely available, with nearly 65 percent of Argentines accessing the medium in 2014.

Argentina's media industry is being transformed by the 2009 Media Law, which aims to diversify ownership. Many media analysts and international bodies support the law's basic goals, but suspicions that it would be used against the government's media opponents spurred lawsuits that initially hindered implementation. A 2013 report by the IAPA showed that instead of promoting diversity of viewpoints, 96 percent of the new media licenses granted since the law's introduction had gone to government or progovernment entities. The overall legislation took effect in September 2010, but Article 161, which would force certain media companies—most notably Clarín—to relinquish licenses and sell off assets, remained suspended pending a Supreme Court ruling on a challenge filed by Clarín that year.

In its October 2013 decision on the matter, the Supreme Court ruled that "Clarín's freedom of expression is not affected by the law's implementation, because media decentralization and frequency allocation do not endanger the group's economic viability." In accordance with the ruling and the law's cap on the number of broadcast licenses one company may own, Clarín presented a plan in November 2013 for its division into six companies. That plan was rejected by Argentina's Federal Audiovisual Communication Authority in October 2014. The agency's president alleged that conditions attached to the proposed sales and transfers would leave the post-breakup companies dependent on one another, and that their shareholders and executives would retain personal links through various trusts, law firms, and corporate entities. The Argentine state was consequently tasked with overseeing the breakup of the company in 2015.

A 2011 law designated newsprint as a commodity of public interest, making it subject to government regulation. Under the law, the government can increase its minority stake in the only Argentine company

that manufactures newsprint, Papel Prensa, in order to produce enough newsprint to satisfy the demand of all newspapers in the country; the rule could lead to eventual government control of the newsprint supply. Since 2010, the government has pursued an investigation into the two private media groups that control a majority stake in Papel Prensa, Clarín and La Nación, alleging that they acquired the shares at a time when the seller was under coercion by the military dictatorship of 1976–83. The investigation, which has been criticized as politically motivated, remained stalled during 2014.

As in past years, the government was accused in 2014 of manipulating the distribution of official advertising to limit free speech, a form of “soft censorship” that had been institutionalized under the administration of former president Néstor Kirchner, Fernández’s late husband. The problem has persisted despite a 2007 Supreme Court ruling that “the government may not manipulate advertising by giving it to or taking it away from media outlets on the basis of discriminatory criteria.” In February 2014, the court issued a similar ruling against the government in a case brought by Clarín. According to the IAPA, discriminatory allocation of government advertising occurs at both the federal and provincial levels.